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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4467 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

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RAJKUMAR PRAVINCHANDRA KINARIWALA

Versus

JAMNAGAR TRANSPORT COMPANY  
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Appearance:

MR GM JOSHI for Petitioner  
MR KV GADHIA for Respondent No. 1  
NOTICE SERVED for Respondent No. 2  
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CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 01/07/98

ORAL JUDGEMENT

Rajkumar Pravinchandra Kinariwala has filed the present petition to challenge the award passed by the Labour Court, Ahmedabad in Ref.(LCA) No. 1086 of 1987. Present petitioner was working with the respondent no.1. The services of the petitioner were terminated on 17.4.1987. The petitioner raised an industrial dispute raising a contention that his services were wrongly terminated without holding any departmental inquiry. On raising of said industrial dispute, a reference was made to the Labour Court by the concerned authorities. The Labour Court came to the conclusion that the contention of the petitioner that he has been wrongly terminated was not correct and true. Respondent had contended that as a matter of fact, present petitioner had misappropriated cash and movables and criminal prosecution was also lodged against him and because of the same he has abandoned his job. Said contention raised by the respondent was accepted by the Labour Court and the Labour Court, therefore, rejected the claim of the petitioner herein to reinstate him with back wages.

2. I have heard the learned advocate for the petitioner Mr. G.M.Joshi at length. I have also gone through the award passed by the Labour Court. It is quite clear from the said award that there was no termination of the services of the present petitioner and as there is a criminal prosecution against him, he himself had abandoned his job. The Labour Court has discussed the materials before it in details and has arrived at the said conclusion after appreciating the materials and evidence before him. Said conclusion recorded by the Labour Court could not be said to be either perverse or manifestly erroneous so as to interfere with the same by exercising the discretionary powers under Articles 226 and 227 of the Constitution of India. Therefore, I hold that present petition deserves to be summarily rejected and I accordingly dismiss the petition summarily. Notice discharged. No order as to costs.

(S.D.Pandit.J)